

105TH CONGRESS
2D SESSION

S. 1970

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 1998

Mr. ABRAHAM introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Neotropical Migratory
5 Bird Conservation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1)(A) birds constitute one of the most widely
9 recognized and appreciated components of North
10 American wildlife;

1 (B) approximately 25,000,000 Americans travel
2 to observe birds; and

3 (C) more than 60,000,000 adult Americans
4 watch and feed birds at home;

5 (2) birds—

6 (A) are key indicators of environmental
7 health;

8 (B) play important roles in plant polli-
9 nation and seed dispersal;

10 (C) serve as critical links in the food web;
11 and

12 (D) maintain the health of the environ-
13 ment.

14 (3)(A) healthy bird populations provide impor-
15 tant economic benefits, such as control of noxious
16 insects on agricultural crops, thereby preventing
17 hundreds of millions of dollars in economic losses
18 each year to farming and timber interests; and

19 (B) more than \$20,000,000,000 is spent in the
20 United States each year on watching and feeding
21 birds;

22 (4)(A) despite their irreplaceable value, many
23 North American bird species, once considered com-
24 mon, are in decline;

1 (B) 90 North American bird species are listed
2 as endangered or threatened in the United States;

3 (C) another 124 North American bird species
4 are of high conservation concern; and

5 (D) Mexico's Secretariat of Environment, Natu-
6 ral Resources and Fisheries lists approximately 390
7 bird species as being endangered, threatened, vulner-
8 able, or rare;

9 (5)(A) of the nearly 800 bird species known to
10 occur in the United States, approximately 500 mi-
11 grate among nations;

12 (B) the large majority of those species, the
13 neotropical migrants, winter in Latin America and
14 the Caribbean; and

15 (C) neotropical migrants in particular have re-
16 ceived much attention because of their population
17 declines;

18 (6)(A) the primary reason for the declines is
19 habitat loss and degradation (including pollution and
20 contamination);

21 (B) because neotropical migrants range across
22 numerous international borders each year, their con-
23 servation requires that safeguards be established at
24 both ends of the migration routes, as well as at criti-
25 cal stopover areas along the way; and

1 (C) establishing such safeguards necessitates
2 the joint commitment and effort of all nations that
3 support those species, as well as all levels of society;
4 and

5 (7) this Act constitutes an effort on the part of
6 the United States to adopt appropriate measures for
7 the protection of migratory birds in collaboration
8 with—

9 (A) neighboring nations that are parties to
10 the Convention Respecting Nature Protection
11 and Wildlife Preservation in the Western Hemi-
12 sphere, done at the Pan American Union,
13 Washington, October 12, 1940 (56 Stat. 1354);
14 and

15 (B) States, conservation organizations, cor-
16 porations and business interests, and other pri-
17 vate entities.

18 **SEC. 3. PURPOSES.**

19 The purposes of this Act are—

20 (1) to assist in the conservation of neotropical
21 migratory birds by supporting neotropical migratory
22 bird conservation programs in Latin America and
23 the Caribbean with a focus on reversing habitat loss
24 and degradation;

1 (2) to promote partnerships between Federal,
2 State, and nongovernmental entities in the United
3 States in the conservation of neotropical migratory
4 birds;

5 (3) to foster active governmental and non-
6 governmental participation in neotropical migratory
7 bird conservation by cooperating countries through-
8 out Latin America and the Caribbean;

9 (4) to promote circumstances under which the
10 conservation of neotropical migratory birds in Latin
11 America and the Caribbean may be carried out en-
12 tirely by local entities;

13 (5) to provide financial resources for projects
14 that support neotropical migratory bird conserva-
15 tion; and

16 (6) to promote the effective conservation of
17 neotropical migratory birds in the Western Hemi-
18 sphere through collaboration at all levels of society.

19 **SEC. 4. CONSERVATION ASSISTANCE.**

20 (a) IN GENERAL.—The Secretary of the Interior, act-
21 ing through the Director of the United States Fish and
22 Wildlife Service (referred to in this Act as the “Sec-
23 retary”), shall establish a program to provide financial as-
24 sistance for projects to promote the conservation of
25 neotropical migratory birds.

1 (b) PROJECT APPLICANTS.—An entity that is eligible
2 to receive financial assistance for a project under this Act
3 is an entity that—

4 (1) is—

5 (A) a Federal, State, or local governmental
6 entity of the United States;

7 (B) a United States nongovernmental or-
8 ganization, corporation or business interest, or
9 other private entity;

10 (C) a governmental or nongovernmental
11 organization, corporation or business interest,
12 or other private entity in Latin America or the
13 Caribbean; or

14 (D) an international organization that is
15 dedicated to achieving the purposes of this Act;
16 and

17 (2) submits a project proposal to the Secretary.

18 (c) PROJECT PROPOSALS.—Each project proposal
19 shall—

20 (1) demonstrate that the project will enhance
21 the conservation of neotropical migratory birds in
22 Latin America or the Caribbean by focusing on re-
23 versing habitat loss and degradation;

1 (2) include mechanisms to ensure adequate
2 local public participation in project development and
3 implementation;

4 (3) contain assurances that the project will be
5 implemented in consultation with appropriate local
6 and other government officials with jurisdiction over
7 the resources addressed by the project;

8 (4) demonstrate sensitivity to local historic and
9 cultural resources and comply with applicable laws;
10 and

11 (5) provide any other information that the Sec-
12 retary considers to be necessary for evaluating the
13 proposal.

14 (d) PROJECT SUSTAINABILITY.—To the maximum
15 extent practicable, each project shall aim to support or es-
16 tablish such structures as are necessary to ensure achieve-
17 ment of conservation objectives specified in this Act, in-
18 cluding the long-term operation and maintenance of the
19 project by local entities in the country in which the project
20 is carried out.

21 (e) COST SHARING.—

22 (1) FEDERAL SHARE.—The Federal share of
23 the cost of each project shall be not greater than 33
24 percent.

25 (2) NON-FEDERAL SHARE.—

1 (A) PAYMENT BY UNITED STATES AND
2 INTERNATIONAL ENTITIES.—Not less than 50
3 percent of the non-Federal share required to be
4 paid for each project shall be paid, in cash,
5 by—

6 (i) United States nongovernmental or-
7 ganizations;

8 (ii) international nongovernmental or-
9 ganizations;

10 (iii) States of the United States and
11 other United States non-Federal entities;
12 and

13 (iv) corporations, business interests,
14 and other private entities.

15 (B) PAYMENT BY LOCAL ENTITIES.—In
16 addition to funds paid under subparagraph (A),
17 the entity submitting the proposal for a project
18 to be assisted under this Act shall seek match-
19 ing funds, in the form of cash or in-kind con-
20 tributions, from local entities in the country in
21 which the project is carried out, including cor-
22 porations and business interests.

1 **SEC. 5. NEOTROPICAL MIGRATORY BIRD ADVISORY COM-**
2 **MITTEE.**

3 (a) ESTABLISHMENT.—There is established a
4 Neotropical Migratory Bird Advisory Committee (referred
5 to in this Act as the “Committee”) to assist in carrying
6 out this Act.

7 (b) MEMBERSHIP.—

8 (1) PERMANENT MEMBERS.—The 4 permanent
9 members of the Committee shall be—

10 (A) 2 representatives of the United States
11 Fish and Wildlife Service, 1 of whom shall chair
12 the Committee;

13 (B) 1 representative appointed by the
14 International Association of Fish and Wildlife
15 Agencies, who shall not be required to be an of-
16 ficer or employee of the Association; and

17 (C) 1 representative appointed by the Na-
18 tional Fish and Wildlife Foundation established
19 by the National Fish and Wildlife Foundation
20 Establishment Act (16 U.S.C. 3701 et seq.),
21 who shall not be required to be an officer or
22 employee of the Foundation.

23 (2) NONVOTING MEMBER.—

24 (A) IN GENERAL.—The Committee shall
25 include 1 nonvoting member who—

1 (i) is a native and resident of Latin
2 America or the Caribbean; and

3 (ii) is actively involved in local con-
4 servation efforts in Latin America or the
5 Caribbean.

6 (B) CONDITIONS OF SERVICE AS MEM-
7 BER.—The member described in subparagraph
8 (A) shall serve in an advisory capacity and for
9 a 2-year term.

10 (c) DUTIES.—The Committee shall—

11 (1) assist in the development of guidelines for
12 the solicitation of proposals for projects eligible for
13 financial assistance under section 4;

14 (2) promote participation in the program estab-
15 lished under section 4 by public and private non-
16 Federal entities; and

17 (3) review and recommend to the Secretary pro-
18 posals for financial assistance that meet the require-
19 ments specified in section 4 and any other criteria
20 established by the Committee.

21 (d) MEETINGS.—The Committee shall hold such
22 meetings as are necessary to carry out the duties of the
23 Committee.

24 (e) COMPENSATION.—

1 (1) IN GENERAL.—Subject to paragraph (2), a
2 member of the Committee shall not receive any com-
3 pensation for the service of the member on the Com-
4 mittee.

5 (2) TRAVEL EXPENSES.—A member of the
6 Committee shall be allowed travel expenses, includ-
7 ing per diem in lieu of subsistence, at rates author-
8 ized for employees of agencies under subchapter I of
9 chapter 57 of title 5, United States Code, while
10 away from the home or regular place of business of
11 the member in the performance of services for the
12 Committee.

13 (f) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—An
14 entity represented by a member of the Committee shall
15 not be eligible to receive financial assistance under this
16 Act.

17 **SEC. 6. DUTIES OF SECRETARY.**

18 (a) ASSISTANCE TO COMMITTEE.—The Secretary
19 shall facilitate consideration of projects described in sec-
20 tion 4(a) by the Committee and otherwise assist the Com-
21 mittee in carrying out its duties under this Act.

22 (b) OTHER DUTIES.—In carrying out this Act, the
23 Secretary shall—

24 (1) develop and oversee agreements to provide
25 financial assistance under section 4;

1 (2) seek cooperators described in section 7;

2 (3) translate documents into Spanish as nec-
3 essary; and

4 (4) generally manage implementation of this
5 Act.

6 (c) FUNDING.—The Secretary may use funds de-
7 scribed in section 9(b) to carry out this section.

8 **SEC. 7. COOPERATION.**

9 In carrying out this Act, the Secretary shall cooperate
10 with appropriate entities, including—

11 (1) appropriate officials in countries where
12 projects authorized by this Act are proposed to be
13 carried out or are being carried out;

14 (2) the heads of other Federal agencies; and

15 (3) entities carrying out, as of the date of en-
16 actment of this Act, initiatives that support bird
17 conservation in Latin America and the Caribbean,
18 such as Partners in Flight, the North American Wa-
19 terfowl Management Plan, the Western Hemisphere
20 Shorebird Reserve Network, Winged Ambassadors,
21 the Latin America small grants program of the
22 American Bird Conservancy, and Wings of the
23 Americas.

1 **SEC. 8. REPORT TO CONGRESS.**

2 Not later than December 31, 2002, the Secretary
3 shall submit to Congress a report on the results and effec-
4 tiveness of the program carried out under this Act, includ-
5 ing recommendations concerning how the Act might be im-
6 proved and whether the program should be continued.

7 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There is authorized to be appro-
9 priated to carry out this Act \$4,000,000 for each of fiscal
10 years 1999 through 2001, to remain available until ex-
11 pended.

12 (b) ADMINISTRATIVE EXPENSES.—For each fiscal
13 year, of the amounts made available to carry out this Act
14 under subsection (a), the Secretary may use not more than
15 10 percent to pay administrative expenses incurred in car-
16 rying out this Act.

○